

EXHIBIT A

Alexander Schachtel, Esq. (ID # 128062015)
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ANA JAVIER,

Plaintiff,

v.

BALLY'S CORPORATION d/b/a BALLY'S
CASINO ATLANTIC CITY,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
DOCKET NO.:

Civil Action

COMPLAINT

Plaintiff Ana Javier ("Javier" or "Plaintiff"), by way of Complaint against Defendant Bally's Corporation d/b/a Bally's Casino Atlantic City ("Bally's" or "Defendant"), by and through her attorney Alexander Schachtel, Esq., hereby says as follows:

FACTS UNDERLYING ALL COUNTS

1. Plaintiff is a natural person residing at 625 W. 169th Street, New York, New York 10032.
2. Defendant is a business entity operating a hotel and casino located at 1900 Pacific Avenue, Atlantic City, New Jersey 08401.
3. On or around May 30, 2022 at 5:30 p.m. in the evening, Plaintiff was within Defendant's premises, seated on the gaming floor in the area of a restroom.
4. At or around this time, an unknown male actor approached Plaintiff as she was seated and demanded that she turn over her cell phone to him.
5. Plaintiff requested assistance from nearby security staff, who did not respond to Plaintiff's complaints.

6. Plaintiff removed herself from her seat and attempted to flee the unknown male, who pursued Plaintiff and continued to request that she produce her cell phone.

7. As the unknown male continued to pursue her, Plaintiff screamed and motioned for help from other patrons and casino security, who did not respond to her pleas for assistance.

8. At or around this time, as she was being pursued, Plaintiff tripped and fell, landing awkwardly.

9. Fearful for her safety, Plaintiff got herself up off the ground and attempted to continue to flee from the unknown male actor.

10. After several minutes of fleeing and being pursued by the unknown male, Plaintiff attracted the attention of security, who intervened and protected the Plaintiff from the unknown male.

11. Upon information and belief, the unknown male actor was removed from the premises by security.

12. Plaintiff was asked if she required transportation to the hospital, but denied formal treatment or assistance at the time.

13. Following the incident, Plaintiff left the premises and returned to her home by bus.

14. After arriving at her home, Plaintiff appreciated the severity of her injury, as she felt tremendous pain and discomfort in her foot.

15. Plaintiff visited the hospital that night or the following morning, and was diagnosed with one or more fractures in her foot.

16. Upon information and belief, these fractures were caused when Plaintiff fell in the casino, as she was being pursued by the unknown male.

17. As a result of these injuries, Plaintiff has undergone costly and expensive medical

treatment, has suffered pain and discomfort, has been caused to lose time from her employment, and has been unable to enjoy the pursuit of her routine life activities.

FIRST CLAIM FOR RELIEF AGAINST DEFENDANT
(Negligence)

18. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

19. As set forth above, at the above-referenced date, time and place, Defendant failed to adequately staff its premises with security, and/or failed to properly train its security, and/or properly failed to screen guests and visitors to its premises, and/or failed to intervene in a timely fashion to prevent the potential assault and potential theft of Plaintiff's personal property, causing Plaintiff to flee in fear and to become injured in her flight.

20. As a result of the Defendant's breach of the duty of care, as set forth above, Plaintiff was caused to flee the attempted criminal actor by foot and was caused to lose her balance and trip and fall, fracturing her foot in one or more places.

21. As a result of her trip and fall, Plaintiff has suffered severe personal injuries, causing her to endure extreme pain and suffering and necessitating continuing medical treatment.

22. Plaintiff has further been caused to lose time from work and associated income, and will likely suffer from symptoms, limitations, disability, and pain for the foreseeable future.

23. As a further consequence of these injuries, Plaintiff has experienced limitations in her ability to perform routine life activities and physical exercise.

WHEREFORE, Plaintiff demands judgment against Defendant on the First Count of the Complaint, for:

- A. Compensatory, economic and consequential damages.
- B. Costs of suit.

C. Attorney's fees.

D. Punitive Damages.

E. Any other relief which the Court may deem proper.

DATED: August 2, 2022

Alexander Schachtel, Esq.
Attorney for Plaintiff

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, notice is hereby provided that Alexander Schachtel, Esq. is designated as trial counsel in this matter.

DATED: August 2, 2022

Alexander Schachtel, Esq.
Attorney for Plaintiff

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

CERTIFICATION PURSUANT TO R. 4:5-1 AND R. 1:38-7(b)

I hereby certify that I am not aware of any other pending or contemplated Court action or arbitration, nor am I presently aware of any other party who should be joined in this action, subject to the information revealed through discovery. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

DATED: August 2, 2022

Alexander Schachtel, Esq.
Attorney for Plaintiff

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues so triable.

DATED: August 2, 2022

Alexander Schachtel, Esq.
Attorney for Plaintiff

By: /s/ Alexander Schachtel
Alexander Schachtel, Esq.

Civil Case Information Statement

Case Details: ATLANTIC | Civil Part Docket# L-002134-22

Case Caption: JAVIER ANA VS BALLY'S CORPORATION

Case Initiation Date: 08/03/2022

Attorney Name: ALEXANDER N SCHACHTEL

Firm Name: ALEXANDER SCHACHTEL

Address: 101 HUDSON ST STE 2109

JERSEY CITY NJ 07302

Phone: 2019250660

Name of Party: PLAINTIFF : Javier, Ana

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Ana Javier? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

08/03/2022
Dated

/s/ ALEXANDER N SCHACHTEL
Signed